

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

**APPROVED 11/9/09**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 26th day of October 2009 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Donald Bollin-President</b>	<b>Jay Lambert</b>
	<b>JoAnne Arruda-Vice President</b>	<b>Cecil E. Leonard</b>
	<b>Hannibal Costa</b>	<b>Edward Roderick</b>
	<b>Louise Durfee</b>	

Town Administrator, James C. Goncalo  
Assistant Town Solicitor, Jeanne Scott were also present.

**Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

Councilor Leonard made a motion, seconded by Councilor Roderick to approve the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA:**

**A-1-Approval of Minutes of Previous Meetings.**

- a. Approval of Minutes from October 13, 2009 Regular Council Meeting Councilor Lambert and Councilor Leonard Abstained, Absent
- b. Approval of Executive Session Minutes from October 13, 2009 Councilor Lambert and Councilor Leonard Abstained, Absent

**A-2-Receipt of Minutes from Various Board and Commissions:**

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| a. Pocasset Hill Cemetery Commission | c. Historical Cemeteries Commission |
| b. Wastewater Management Commission  | d. Recreation Commission            |

**A-3-Correspondence:**

- a. Received From Jamestown School Committee, Exeter West Greenwich Regional School District, East Greenwich School Committee, Town of Portsmouth, Smithfield School Committee, and City of East Providence – Resolutions Opposing Binding Arbitration on Monetary Matters for School Teachers

**A-4-Approval of Tax Assessor Abatements**

**A-5-Town Treasurer**

- a. Approval and Report on estimated Betterment Fees FY 2009-2010
- b. Reconciliation of Fire Dept. Overtime July 1, 2009 – October 22, 2009
- c. Treasurer's Report on Revenue and Expenses for September 2009

**A-6-Town Administrator – Approval for Release of Carry Forwards**

Acct 108-340 Stenographer services for \$805.49  
Acct 554-452 Grass & Brush Cutting for \$9,920.00  
Acct 665-690 Arts Council - Misc. Operating Supplies for \$79.33

**BUSINESS BROUGHT BEFORE THE COUNCIL:**  
**BIDS & REQUESTS FOR PROPOSALS:**

**DPW Director - Request Council Approval for Award of Bid to Purchase Used Mower/Brush Cutter to Low Bidder - M.C.Clements Tree Service, Vineyard Haven, MA for \$32,000**

DPW Director Steve Berlucchi requested a bid award to M.C. Clements Tree Service for a Mower/Brush Cutter purchase. This topic was previously discussed at the Council Meeting on May 26, 2009 as a lease/purchase. An amount of \$22,080 was appropriated at the Financial Town Meeting (FTM) for the purchase of a mower/cutter. President Bollin noted when this issue first arose it was a capital purchase and not utilizing Operating Funds. DPW Director Berlucchi stated he originally was looking at a lease in last Fiscal Year of \$9,900 from the spring cut account and finish purchase with appropriation of \$22,080 this fiscal year. Councilors concerned this explanation was not one discussed at last year's budget committee or at the Town Meeting. Councilor Durfee did not recall the cost of \$32,000 being mentioned for a cutter. Director Berlucchi informed the Council the current mower just blew an engine was from 1983 and the Public Works was in dire need. Councilor Lambert believed the Council should recognize a mistake was made in the determination of the price and will pay for it somehow.

Councilor Lambert made a motion to agree to award the contract along with an explanation regarding the cost. Councilor Costa seconded the motion for discussion. Director Berlucchi estimated the cost for transport from Vineyard Haven, MA to be two men an entire day. Councilor Durfee wanted to know when the first spring mowing would occur. Director Berlucchi responded May but haven't done a fall cut yet. As far as the \$22,000, Councilor Costa noted an amount was appropriated at the FTM but nothing was said about not spending more. There is a legitimate need to get this item, asks the Council to reconsider and vote in favor. Councilor Bollin reminded the Council that \$22,080 was presented and approved. Councilor Lambert noted the need for some discretion with a thorough record of explanation. Councilor Bollin suggested hiring someone to cut the brush for \$9,900 noting the appropriation was for a set amount. Councilors Arruda and Roderick both recall the amount needed as presented to the Budget Committee was \$22,080. Councilor Leonard pointed out two options. One option could be to augment the capital budget, don't think the Council should, from an operating account. The second option would be to request the additional funds in the next fiscal budget. Councilor Bollin noted in the past there have been capital accounts that couldn't cover certain projects so only half the project was done until funds could be obtained.

Councilor Lambert's motion was to combine the carry forward cutting funds with the appropriated amount to cover the \$32,000. Motion failed on a vote of 2-5, Councilor's Lambert and Costa for, Councilors Roderick, Arruda, Durfee, Bollin and Leonard opposed.

**DPW Director – Request Council Approval for Award of Bid to Supply and Install a New Lift Gate for Existing DPW Truck to Aquidneck Machine, Tiverton RI for \$3,785**

Councilor Durfee made a motion, seconded by Councilor Roderick to approve the request for award of bid for a new Lift Gate to Aquidneck Machine for \$3,785. Motion passed 6-0-1, Councilor Costa abstained.

**DPW Director – Request Council Approval for Award of Bid for supply and Delivery of Daily Landfill Cover to G. Lopes Construction, Inc, Taunton, MA for \$104,250**

Administrator Goncalo noted the two lowest bidders, Oceanview Construction Co. and Pro Construction Co. did not meet the bid requirements and provide bid bonds. Asked the Council to award the bid to the third lowest bidder, G. Lopes Construction, Inc.

Councilor Durfee made a motion, seconded by Councilor Arruda to award the bid for \$6.95/ton for Landfill Cover to G. Lopes Construction, Inc. Motion passed unanimously.

**Town Administrator – Request Council Approval for Award of Bid to Newport Appraisal Group - Appraisals of Both Nonquit and Ranger Schools Regarding Market Value and Market Rent for \$2,800–Funding From Council Contingency Acct # 102-890**

At the request of the Council, Administrator Goncalo received proposals for appraisals of Nonquit and Ranger Schools for either sale or rental of those properties. The funds would come out of Council Contingency.

Councilor Roderick made a motion, seconded by Councilor Leonard to award the schools appraisal bid to Newport Appraisal Group, funding from Council Contingency Account #102-890. Motion passed unanimously.

**FINANCIAL BUSINESS:**

**Town Administrator – Request Approval of Transfer \$89,715 From Account #766-851 (Ranger Debt Service) to Account #112-999 (Abatement & Revenue Reductions)**

**\$11,508.54 From Account #766-852 (Fort Barton Debt Service) to Account #112-999 (Abatements and Revenue Reduction)**

Councilor Arruda questioned the use of impact fees to offset abatements. Admin. Goncalo noted the Town was allowed to pay for school debt (bonds) using impact fees. . Monies not needed currently in debt service would be transferred. President Bollin also noted the impact fee was to be used for development impact on infrastructure, schools. However, not sure this is the right thing to do, monies should stay in debt service to reduce the debt. Councilor Durfee wanted a written opinion from the Solicitor on whether this is an appropriate transfer. Appears to indirectly be doing what may not be permitted to do directly.

Councilor Durfee made a motion, seconded by Councilor Costa to refer both transfer requests to the Town Solicitor for a written opinion before the Council takes action. Motion passed unanimously.

**NEW BUSINESS:**

**Town Treasurer – Glenn Rowley, Senior Vice President, Citizens Bank – Brief Presentation on Government Banking**

Treasurer Philip DiMattia introduced Glen Rowley, Senior Vice President, Citizens Bank who gave a brief presentation on Government Banking Services available for municipalities. Handout was provided listing various services Citizens Bank provides with current concentration on fraud protection and products.

**TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

1. Tax Sale on November 6<sup>th</sup> at 1:00 p.m. at the Town Hall. Still 37 properties on the list.
2. Tax Collections 2.9% behind last year represents \$93,000.
3. Abatements including those from tonight total \$87,300.

**COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

Councilor Lambert had previously distributed a proposal for a “Pay As You Throw” program for the Council to review. Asked for this to be placed on the next agenda to set a Public Hearing.

**TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

**CLOSED EXECUTIVE SESSION:**

**1. Town Administrator – 42-46-5(a)(6) - Prospective Business or Industry**

**2. Town Solicitor - Litigation – 42-46-5(a) (2)**

**3. Town Council – 42-46-5(a)(1)-Personnel – Town Administrator – Notice Sent**

Councilor Durfee made a motion, seconded by Councilor Arruda to enter into Executive Session pursuant to 42-46-5(a)(6)-Prospective Business or Industry. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Arruda to remain in Executive Session pursuant to 42-46-5(a)(2)-Town Solicitor-Litigation. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Arruda to further remain in Executive Session pursuant to 42-46-5(a)(1)-Personnel-Town Administrator-Notice Sent. Motion passed unanimously. The record reflects the Town Administrator has received and signed written notice of discussion to take place in Executive Session.

The Council entered into Executive Session at approximately 7:50 p.m.

The Council returned to Open Session at approximately 9:40p.m.

**OPEN SESSION:**

Council President Bollin announced formal action had been taken in Executive Session. Councilor Roderick motioned to seal the minutes of Executive Session, seconded by Councilor Leonard. Vote was unanimous.

**ADJOURNMENT:**

Councilor Roderick motioned to adjourn, seconded by Councilor Leonard. Motion passed unanimously.

Council adjourned at approximately 9:45 p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk